



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,696	02/01/2006	Bernd Lucas	PSEE200025	9762
27885	7590	02/04/2009		
Fay Sharpe LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			EXAMINER HUAZ, OMAR F	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 02/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,696

Applicant(s)

LUCAS, BERND

Examiner

OMAR HIJAZ

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 02/01/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-18 as filed are pending and have been considered below.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the end walls of claim 1, the collapsible or foldable cantilever surface of claim 3, and the suction channel of claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: it is improper to refer to the claims in the specification, as seen in paragraphs 1, 4, and 5.

Appropriate correction is required.

Claim Objections

3. Claims 1-3 are objected to because of the following informalities:

As per claim 1, at line 1, the recitation "like for a housing" is improper.

As per claim 2, at line 2, the recitation "one end bar" should be --the end bar--.

As per claim 3, at line 3, the recitation "the end bar guide" lacks antecedent basis and should be --an end bar guide--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1 and 18, the limitations "and that is kept ready" and "keeps the hanging ready" render the claim indefinite because it is unclear what is specifically meant by keeping ready. In addition, the limitation "guided on both ends" renders the

claim indefinite because it is unclear as to which ends the applicant is referring to. In addition, the limitation "is formed as a profile" renders the claim indefinite because it is unclear. In addition, in the limitation "the edge zone", there is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "a guided region" at line 2. There is insufficient antecedent basis for this limitation in the claim.

As per claim 3, at line 3, the limitation "surface pivots outwards when closing relative to the end bar" renders the claim indefinite because it is unclear how and on what axis the surface is pivoting.

As per claim 8, at line 4, the limitation "is loaded by the compensating device on a partial length of the travel path" renders the claim indefinite because this phrase is unclear with respect to the remainder of the claim.

As per claim 15, at line 3, the limitation "connected thereto in a closed position of the housing" renders the claim indefinite because it is unclear how the suction line is specifically connected to the housing.

As per claim 16, at line 3, the limitation "partially stabilizes a wind-up shaft of the hanging against bending" it is unclear as to what is being stabilized and how this affects the bending of the hanging.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-12 and 16-18, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Green et al. (U.S. Patent No. 4,387,533).

As per claim 1, Green et al. teaches a housing or enclosure (building; abstract), comprising end walls (it is construed that a building enclosure comprises walls) and side walls (side walls or blanket; figure 10A below) that can be opened and closed at least partially (the blanket moves from a retracted position to an extended position; abstract), as well as roof sections (roof sections; figure 10A below), for wherein at least one of the side walls is formed as a hanging (blanket; abstract) that can be wound up at the bottom end and that is kept ready (blanket is stored in a folded form in storage box 1021 at the bottom; col. 11, lines 66-67) and can be raised and lowered (col. 11, lines 35-44) by an end bar (leading edge 1030) guided on both ends (as illustrated, both ends of the hanging blanket are supported; figure 10), which at least partially forms a roof section in a closed state (as illustrated, the hanging blanket forms a roof section; figure 10), and the hanging is fixed to hang directed towards at least one side wall (figure 10A below).

As per claim 2, Green et al. teaches the end bar comprises a guided region (as illustrated, the bar is guided along the paths of ropes 1042) and at least one freely projecting cantilever region (cantilever surface; figure 10A below).

As per claim 3, Green et al. teaches the free edge of an outwardly pointing cantilever surface (cantilever surface; figure 10A below) pivots outwards (figure 10A below).

As per claim 4, Green et al. teaches at least one part of the cantilever surface is collapsible or foldable (as the cantilever surface is part of the blanket 1031, it is construed to be foldable).

As per claim 5, Green et al. teaches the one or more collapsible or foldable parts of the cantilever surface is swung open or closed or folded up or unfolded depending on the position of the end bar essentially by its own weight (it is construed that the weight of the blanket would assist in its folding into the box).

As per claim 6, Green et al. teaches the one or more collapsible or foldable parts of the cantilever surface are supported by means of a mechanical device or a drive in its collapsing or folding movement (the blanket is extended or retracted via a winding shaft 1023 driven by a motor 1024; col. 11, lines 36-44).

As per claims 7 and 8, Green et al. teaches a drive (motor 1024) for opening and closing the side walls, as well as the roof sections (the blanket is extended or retracted via a winding shaft 1023 driven by a motor 1024; col. 11, lines 36-44), wherein the drive is removed from load by at least one weight compensating device at least over a partial length of the travel path (ballast weight or tension cord to draw the blanket into the lower storage box; col. 4, lines 60-64).

As per claim 9, Green et al. teaches at least the weight compensating device is designed according to the position of the side walls, as well as the roof sections, which can be opened and closed, so that it can exert a different weight unloading or loading (it is construed that the ballast weight device would exert a different weight during different positions of the blanket).

As per claim 11, Green et al. teaches a wind-up shaft (winding shaft 1023) is fixed to the hanging (figure 10), such that it can be moved by the hanging (the blanket is extended or retracted via a winding shaft 1023 driven by a motor 1024; col. 11, lines 36-44; it is construed that the weight of the hanging would be capable of exerting a force on the winding shaft)

As per claim 12, Green et al. teaches a wind-up drive (motor 1024) driving the wind-up shaft, wherein the wind-up drive is unloaded by a weight compensating device (it is construed that the ballast weight would assist in the lowering of the blanket by the mere force of gravity).

As per claim 16, Green et al. teaches the end bar at least partially stabilizes a wind-up shaft of the hanging against bending by means of the hanging (it is construed that between the winding shaft 1023 and the weight of the leading edge 1030 would assist in preventing the hanging from bending).

As per claim 17, Green et al. teaches at least one of the end walls has a seal opening (opening; figure 10A below), which reaches up to the housing roof (figure 10A below) and which continues into a closable roof section opening (roof section; figure 10A below) and wherein the end bar has a cantilever surface (cantilever surface; figure 10A below) at least partially closing and opening the roof section opening (as illustrated the roof section is capable of being partially closed; figure 10A below).

As per claim 18, Green et al. teaches a sliding gate for a housing or enclosure (building; abstract), the sliding gate comprising a hanging (blanket; abstract) that can be wound up at a bottom end (blanket is stored in a folded form in storage box 1021 at the

bottom; col. 11, lines 66-67) and a raising and lowering end bar (leading edge 1030; col. 11, lines 35-44), which is guided on both ends thereof and keeps the hanging ready (as illustrated, both ends of the hanging blanket are supported; figure 10), wherein the end bar forms at least partially a roof section in a closed state (as illustrated, the hanging blanket forms a roof section; figure 10), and the hanging is fixed to hang towards at least one side wall of the housing or enclosure (figure 10A below).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 13, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (U.S. Patent No. 4,387,533).

As per claim 13, Green et al. discloses the apparatus as described with claim 1, but fails to disclose the hanging has at least one alloy forming a lubricant film, especially a rubber alloy. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a lubricant film, especially a rubber alloy with the hanging since it has been held to be within the general skill of a worker in the art to select a material on the basis of its suitability for the intended use as a matter of obvious design choice.

10. Claims 14 and 15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (U.S. Patent No. 4,387,533) in view of Rapp (U.S. Patent No. 3,899,311).

As per claims 14 and 15, Green et al. fails to disclose the end bar is formed as a suction channel or comprises at least one suction channel wherein the suction channel connects to a suction opening or port of a suction line or is connected thereto in a closed position of the housing.

Rapp discloses a spraying station (abstract) with a suction channel 9 wherein the suction channel connects to a suction opening or port of a suction line or is connected thereto in a closed position of the housing (as illustrated, the a suction line is connected to the housing which house the sprayed workpiece 53; figure 3).

Therefore from the teaching of Rapp, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the building with the operating blanket of Green et al. to include a suction channel attached to an enclosed source as taught by Rapp in order to create a filtering means to collect particles (col. 2, lines 50-55).

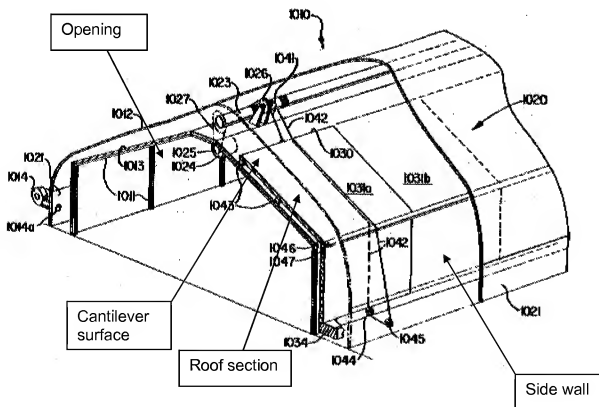
11. Claim 10, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (U.S. Patent No. 4,387,533) in view of Looney (U.S. Patent No. 6,260,308).

As per claim 10, Green et al. fails to disclose the wind-up shaft can be raised or lowered in a vertical guide.

Looney discloses a covering mechanism for a structure (abstract) with a covering panel 20 which is wound onto a tension shaft 25 (col. 4, lines 30-34) and moves up and down bows 15 (col. 4, lines 50-55).

Therefore from the teaching of Looney, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the covering system of Green et al. to include a winding shaft that moves up and down as taught by Looney in order to wind the covering more quickly.

FIGURE 10A



Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Talbott (U.S. Patent No. 5,038,517) discloses a flexible cover wound about a bar which covers a structure with a drive mechanism.

Lipinski (U.S. Patent No. 4,067,347) discloses a shelter with a moveable roof layer wound from a lower spool.

Martensson (U.S. Patent No. 5,307,855) discloses a retractable awning assembly with a drive assembly.

Domicent (U.S. Patent No. 4,231,289) discloses a spray booth with an air purifying ventilation unit.

Kraeutler (U.S. Patent No. 4,934,437) discloses a flexible curtain with cantilever surfaces which is wound up via a motor and cable system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OFH

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633